

DOCKET NO: 273842US2PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
SHIN KIKUCHI, ET AL. : EXAMINER: ALGAHAIM, HELAL A.
SERIAL NO: 10/543,059 :
FILED: JULY 21, 2005 : GROUP ART UNIT: 3663
FOR: NAVIGATION DEVICE, :
NAVIGATION METHOD, AND
PROGRAM

RESPONSE TO RESTRICTION REQUIREMENT AND PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the outstanding Office Action of April 13, 2009, Applicants elect with traverse the invention of Group I, Claims 10-14 drawn to a navigation apparatus. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

In response to the Election of Species requirement in the Office Action of April 13, 2009, Species I of Group I is elected which includes Claims 13 and 14, and Claims 10-12 which are generic.

The outstanding Office Action identifies Groups I and II as being directed towards different "general inventive concepts." However, it is clear that Group I containing Claims 10-14 and Group II containing Claims 15-17 have the same and corresponding special technical features.

The outstanding Office Action explains that “the groups listed above are not within the permitted combination of different categories and of inventions. That is one apparatus and one process.” Comparing Claims 10 and 15, the following correspondence between the claim elements is evident:

A navigation apparatus	A navigation method
a receiving unit	receiving an input
a transmitting unit	transmitting to a retrieving server
a route acquiring unit	acquiring from the retrieving server
a guiding unit that performs a guidance	performing a guidance
a guidance controller that controls the guiding unit	controlling, using a controller, the guiding unit

It is seen above that there is strong correspondence between independent claims 10 and 15, and accordingly, they clearly do have corresponding technical features and there is nothing in the PCT rules pertaining to lack of unity of invention that does not permit combinations of different categories of inventions to be examined.

Accordingly, Groups I and II including each of claims 10-17 should be examined.

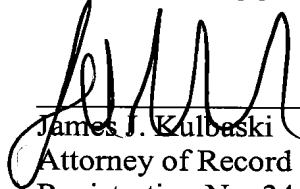
Moreover, the Election of Species requirement is erroneous and not in accordance with PCT practice. As this is a PCT national stage application, the outstanding Office Action is required to apply PCT rules with respect to the election of species requirement. PCT Rule 13.4 permits a reasonable number of dependent claims, and certainly the dependent claims within Groups I and II is a reasonable number of claims.

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Accordingly, examination of each of claims 10-17 is respectfully requested.

Respectfully submitted,

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